

United States Court of Appeals

FIFTH CIRCUIT
OFFICE OF THE CLERK

LYLE W. CAYCE
CLERK

TEL. 504-310-7700
600 S. MAESTRI PLACE,
Suite 115
NEW ORLEANS, LA 70130

March 25, 2019

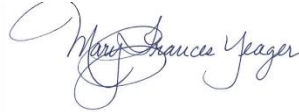
MEMORANDUM TO COUNSEL OR PARTIES LISTED BELOW:

No. 18-50484 Whole Woman's Health, et al v. Charles Smith
USDC No. 1:16-CV-1300

Enclosed is an order entered in this case.

Sincerely,

LYLE W. CAYCE, Clerk



By: _____
Mary Frances Yeager, Deputy Clerk
504-310-7686

Mr. Joshua Michael Blackman
Mr. Daniel Howard Blomberg
Mr. Richard Arthur Bordelon
Mr. David Patrick Brown
Ms. Jeannette Clack, Clerk
Mr. Joseph Charles Davis
Mrs. Molly Rose Duane
Mr. Joseph Alexander Lawrence
Mr. Steven Charles Levatino
Mr. Andrew Fairles MacRae
Mr. Darren Lee McCarty
Mr. Daniel Ortner
Mr. Eric C. Rassbach
Ms. Caroline Marie Sacerdote
Ms. Stephanie Toti
Ms. Diana Verm
Mr. Scott Weatherford

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

No. 18-50484

WHOLE WOMAN'S HEALTH; BROOKSIDE WOMEN'S MEDICAL
CENTER, P.A., doing business as Brookside Women's Health Center and
Austin Women's Health Center; LENDOL L. DAVIS, M.D.; ALAMO CITY
SURGERY CENTER, P.L.L.C., doing business as Alamo Women's
Reproductive Services; WHOLE WOMAN'S HEALTH ALLIANCE;
DR. BHAVIK KHUMAR,

Plaintiffs - Appellees

v.

CHARLES SMITH, Executive Commissioner of the Texas Health and Human
Services Commission, in his official capacity,

Defendant - Appellee

v.

TEXAS CATHOLIC CONFERENCE,

Movant - Appellant

Appeal from the United States District Court
for the Western District of Texas
USDC No. 1:16-cv-1300

Before JONES, COSTA, and HO, Circuit Judges.

PER CURIAM:

No. 18-50484

IT IS ORDERED that the Texas Catholic Conference of Bishops' opposed motion for costs under Federal Rule of Civil Procedure 45 is DISMISSED without prejudice to the district court's consideration of all cost issues.

IT IS FURTHER ORDERED that, although the Texas Catholic Conference of Bishops has expressed sincere concerns given the contentious history of this issue, the motion to assign a different district judge to decide the valid Rule 45 motion for costs is DENIED.